

# **EXHIBIT D**



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June 3, 2019

**VIA E-MAIL**

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**Re:** *Hernandez et al. v. Wells Fargo Bank, N.A. et al.*, Case No. 18-cv-07354  
(N.D. Cal.) - Wells Fargo's Response to Plaintiffs' First Set of Request  
For Production and First Set of Interrogatories

Counsel:

We write on behalf of Wells Fargo Bank, N.A. ("Wells Fargo" or "Defendant") in response to your May 15, 2019 letter, following up on our previous letter sent to you on May 24.

Turning to your concerns about Wells Fargo's discovery responses to Plaintiffs' First Set of Document Requests ("RFPs" or "Requests"), we address them in the order you raised in your letter as follows.

**Plaintiff's First Set of Requests for Production of Documents**

**RFP Nos. 3-6**

Following Wells Fargo's objections and our first meet and confer, you narrowed Plaintiffs' Request to "all communications regarding Wells Fargo's reasoning for choosing to use its own software (as opposed to the software program that Fannie Mae offered) to calculate borrowers' eligibility for a loan modification under HAMP; all documents and communications regarding internal concerns about your software's ability to accurately calculate whether a borrower was eligible for a HAMP loan modification; and all documents and communications relating to how Wells Fargo addressed those concerns."

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Wells Fargo has since responded that it “agrees to conduct a reasonable search for, and produce, non-privileged communications regarding its software’s ability to accurately calculate attorney fees in connection with determining eligibility for HAMP loan modifications (i.e., the error at issue in this case). To the extent non-privileged documents exist regarding how Wells Fargo addressed any concerns in that regard, those already are covered by response to RFP No. 7.”

Further, Wells Fargo will produce responsive, non-privileged documents regarding Wells Fargo’s choosing to use its own software (as opposed to the software program that Fannie Mae offered) to calculate borrowers’ eligibility for a loan modification under HAMP, to the extent such documents exist and can be located after a reasonable search.

**RFP No. 18 and 20**

These requests are limited on their face to materials created for or provided to the referenced committees. We discussed narrowing what materials, but will not agree to broaden beyond the committees.

Wells Fargo will produce non-privileged, responsive executive summaries, to the extent such documents exist and can be located after a reasonable search.

**RFP No. 21**

As a result of our meet and confer and Wells Fargo’s objections, your letter indicates that Plaintiffs seek, pursuant to RFP No. 21, “informal and formal reports, findings and/or conclusions from any informal or formal review or audit of the loan modification that contained the calculation error(s) described in Wells Fargo & Company’s Form 10-Q for the quarterly period ending on September 30, 2018.”

Wells Fargo agrees to produce non-privileged, responsive documents to the extent they exist and can be located after a reasonable search.

**RFP No. 22 and 23**

As a result of our meet and confer and Wells Fargo’s objections, your letter indicates that Plaintiffs seek, pursuant to RFPs No. 22 and 23, “schedules (from 2010 to 2018) for auditing the loan modification software that contained the calculation error(s) described in Wells Fargo & Company’s Form 10-Q for the quarterly period ending on September 30, 2018.”

Wells Fargo agrees to produce non-privileged, responsive documents to the extent they exist and can be located after a reasonable search.

Unless otherwise specifically set forth herein, Wells Fargo preserves its objections as stated in its written Responses and Objections and in the meet and confer.

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Sincerely,

/s/Shawn R. Obi  
Shawn R. Obi